

**Amendments to the Claims**

Claim 1 (Previously presented): Hybrid maize seed designated X1139Y, representative seed of said hybrid X1139Y having been deposited under ATCC Accession number \_\_\_\_\_.

Claim 2 (Previously presented): A maize plant, or a part thereof, produced by growing the seed of claim 1.

Claim 3 (Original): Pollen of the plant of claim 2.

Claim 4 (Original): An ovule of the plant of claim 2.

Claim 5 (Previously presented): A tissue culture of regenerable cells or protoplasts of a hybrid maize plant X1139Y, representative seed of said hybrid maize plant X1139Y having been deposited under ATCC accession number \_\_\_\_\_, wherein the tissue regenerates plants capable of expressing all the morphological and physiological characteristics of said hybrid maize plant X1139Y.

Claim 6 (Previously presented): The tissue culture according to claim 5, the cells or protoplasts being from a tissue selected from the group consisting of leaves, pollen, embryos, roots, root tips, anthers, silks, flowers, kernels, ears, cobs, husks, and stalks.

Claim 7 (Previously presented): A maize plant, or its parts, regenerated from the tissue culture of claim 5 and capable of expressing all the morphological and physiological characteristics of hybrid maize plant X1139Y, representative seed having been deposited under ATCC accession number \_\_\_\_\_.

Claims 8-50 (Canceled)

Claim 51 (Previously presented): A method for producing a X1139Y progeny maize plant, comprising:

- (a) crossing the maize plant or plant parts of claim 2, with a second maize plant to yield progeny maize seed; and
- (b) growing said progeny maize seed, under plant growth conditions, to yield said X1139Y progeny maize plant.

Claim 52 (Previously presented): The method of claim 51 further comprising the step of:

- (c) selecting and harvesting X1139Y progeny maize plants which comprise 2 or more X1139Y characteristics described in table 1 or 2.

Claim 53 (Canceled)

Claim 54 (Previously presented): A method of making a hybrid maize seed X1139Y comprising:  
crossing an inbred maize plant GE565937 and GE502199, deposited as \_\_\_\_\_ and \_\_\_\_\_, respectively to produce hybrid maize seed X1139Y.

Claims 55-63 (Canceled)

Claim 64 (New): A tissue culture of regenerable cells produced from the plant of claim 2.

Claim 65 (New): Protoplasts produced from the tissue culture of claim 64.

Claim 66 (New): The tissue culture of claim 64, wherein cells of the tissue culture are from a tissue selected from the group consisting of leaf, pollen, embryo, root, root tip, anther, silk, flower, kernel, ear, cob, husk and stalk.

Claim 67 (New): A maize plant regenerated from the tissue culture of claim 64, said plant having all the morphological and physiological characteristics of hybrid maize plant X1139Y, representative seed of said plant having been deposited under ATCC Accession No. \_\_\_\_\_.

Claim 68 (New): A method for producing an F1 hybrid maize seed, comprising crossing the plant of claim 2 with a different maize plant and harvesting the resultant F1 hybrid maize seed.

Claim 69 (New): A maize plant, or part thereof, having all the physiological and morphological characteristics of the hybrid maize plant X1139Y, representative seed of said plant having been deposited under ATCC Accession No. \_\_\_\_\_.

Claim 70 (New): A method of introducing a desired trait into a hybrid maize line X1139Y comprising:

- (a) crossing at least one of inbred maize parent plants GE565937 and GE502199, representative samples of which have been deposited under ATCC Accession Nos. as \_\_\_\_\_ and \_\_\_\_\_ respectively, with another maize line that comprises a desired trait, to produce F1 progeny plants, wherein the desired trait is selected from the group consisting of male sterility, herbicide resistance, insect resistance, disease resistance and waxy starch;
- (b) selecting said F1 progeny plants that have the desired trait to produce selected F1 progeny plants;
- (c) backcrossing the selected progeny plants with said inbred maize parent plant to produce backcross progeny plants;
- (d) selecting for backcross progeny plants that have the desired trait and morphological and physiological characteristics of said inbred maize parent plant;
- (e) repeating the steps of backcrossing to said inbred maize parent plant three or more times in succession to produce selected fourth or higher backcross progeny plants;
- (f) crossing said backcross progeny plant with the other inbred maize parent plant to generate a hybrid maize line X1139Y with the desired trait and all of the morphological and physiological characteristics of hybrid maize line X1139Y listed in Table 1 as determined at the 5% significance level when grown in the same environmental conditions.

Claim 71 (New): A plant produced by the method of claim 70, wherein the plant has the desired trait and all of the physiological and morphological characteristics of hybrid maize line

X1139Y listed in Table 1 as determined at the 5% significance level when grown in the same environmental conditions.

Claim 72 (New): The plant of claim 71 wherein the desired trait is herbicide resistance and the resistance is conferred to an herbicide selected from the group consisting of: imidazolinone, sulfonyleurea, glyphosate, glufosinate, L-phosphinothricin, triazine and benzonitrile.

Claim 73 (New): The plant of claim 71 wherein the desired trait is insect resistance and the insect resistance is conferred by a transgene encoding a *Bacillus thuringiensis* endotoxin.

Claim 74 (New): The plant of claim 71 wherein the desired trait is male sterility and the trait is conferred by a cytoplasmic nucleic acid molecule that confers male sterility.

Claim 75 (New): A method of modifying fatty acid metabolism, phytic acid metabolism or carbohydrate metabolism in a hybrid maize line X1139Y comprising:

- (a) crossing at least one of inbred maize parent plants GE565937 and GE502199, representative samples of which have been deposited under ATCC Accession Nos. as \_\_\_\_\_ and \_\_\_\_\_ respectively, with another maize line that comprises a nucleic acid molecule encoding an enzyme selected from the group consisting of phytase, stearyl-ACP desaturase, fructosyltransferase, levansucrase, alpha-amylase, invertase and starch branching enzyme;
- (b) selecting said F1 progeny plants that have said nucleic acid molecule to produce selected F1 progeny plants;
- (c) backcrossing the selected progeny plants with said inbred maize parent plant to produce backcross progeny plants;
- (d) selecting for backcross progeny plants that have said nucleic acid molecule and morphological and physiological characteristics of said inbred maize parent plant;
- (e) repeating the steps of backcrossing to said inbred maize parent plant three or more times in succession to produce selected fourth or higher backcross progeny plants;
- (f) crossing said backcross progeny plant with the other inbred maize parent plant to generate a hybrid maize line X1139Y that comprises said nucleic acid molecule and has all of the

morphological and physiological characteristics of hybrid maize line X1139Y listed in Table 1 as determined at the 5% significance level when grown in the same environmental conditions.

Claim 76 (New): A plant produced by the method of claim 75, wherein the plant comprises the nucleic acid molecule and has all of the physiological and morphological characteristics of hybrid maize line X1139Y listed in Table 1 as determined at the 5% significance level when grown in the same environmental conditions.